## PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimuse County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Ealtimore County, from an RC-5 zone to an DR-1 zone, for the reasons given in the attached statement; and (2) for a Special Exception under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property,

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore Legal Owner(s): Contract Purchaser Leonard Billian (Type or Print Lame)

(Type or Print Name) City and State Attorney for Petitioner: (Type or Print Name) Address Name, address and phone number of legal owner, contract purchaser or representative to be contacted

\_Leonard Billian\_\_\_\_\_ 5610 N. Northumberland St. Attorney's Telephone No.: \_\_\_\_\_ Pittsburg, Pa., 15217 1-412-681-8579 BABC-Form 1

RE: PETITION FOR RECLASSIFICATION from R.C. 5 to D.R. 1 Zone E/S of Keller Ave., 134' S of Hillside Ave., 3rd District

: BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

LEONARD BILLIAN, Petitioner :::::::

Case No. R-82-184 (Item 7, Cycle II, 1931)

ORDER TO ENTER APPEARANCE

To the Honorable, Members of Said Board:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any 'caring date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

lax Lewiserman Peter Max Zimmerman Deputy People's Counsel

John W. Hessian, III People's Counsel for Baltimore County Rm. 223, Court House Towson, Maryland 21204

I HEREBY CERTIFY that on this 3th day of March, 1982, a copy of the foregoing Order was mailed to Mr. Leonard Billian, 5510 N. Northumberland Street, Pittsburgh, Pennsylvania 15217, Petitioner; and Spellman, Laison & Assoc., Inc., The Jefferson Bldg., Suite 110, Towson, Maryland 21204.

John W. Hessian, III

RE: PETITION FOR RECLASSIFICATION from R.C. 5 to D.R. 1 E/S Keiler Avenue 1341 S. of Hillside Road 3rd District

COUNTY BOARD OF APPEALS

Leonard Billian EASTIMORE COUNTY **Petitioner** No. R-82-184

ORDER OF DISMISSAL

Petition of Leonard Billian for reclassification from R.C. 5 to D.R. 1 on property located on the east side of Keller Avenue 134 feet south of Hillside Road, in the Third Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of an Order of Dismissal of petition filed March 12, 1982 (a copy of which Order is attached hereto and made a part hereof) from the attorney representing the Petitioner in the above entitled matter.

WHEREAS, the said attorney for the said Petitioner requests that the petition filed on behalf of said Petitioner be dismissed and withdrawn without prejudice as or March 12, 1982.

IT IS HEREBY ORDERED this 31st dc of March, 1982, that said petition be and the same is withdrawn and dismissed without prejudice.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

PETITION OF LEONARD E/S Keller Avenue S of Hillside Drive,

RECLASSIFICATION

REQUEST FROM

R.C. 5 to D.R. 1

BEFORE THE

COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY

APRIL CYCLE

1981 and 1982 OCTOBER TO

ORDER OF DISMISSAL WITHOUT PREJUDICE

\* \* \* \* \* \* \* \* \* \* \* \* \*

Mr. Clerk:

Please dismiss the application of Leonard Billian, et al for a reclassification from R. C. 5 to D. R. 1 of the 8.99 acre Billian Property on the East side of Keller Avenue South of Hillside Road "Without

Prejudice".

Newton A. Williams Alember 127

Leonard Billian, Owner 5610 Northumberland Street Less Pittsburgh, Pennsylvania 15217

Nolan, Plumhoff & Williams 204 West Pennsylvania Avenue Towson, Maryland 21204 Telephone: 301 823-7800

Attorneys for Petitioner, Leonard Billian

BALTIMORE COUNTY

**ZONING PLANS** 

ADVISORY COMMITTEE



PETITION AND SITE PLAN

1972. The same district the same that the sa

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 30, 1981

Mr. Leonard Billian 111 W. Chesapeake Ave. Towson, Earyland 21204 5610 N. Northumberland Street Pittsburgh, Pennsylvania 15217

> RE: Item No. 7 - Cycle No. II Petitioner - Leonard Billian Reclassification Petition

Dear Mr. Billian:

COUNTY OFFICE BLDG.

Chairman

Bureau cf

Department of

Traffic Engineering

State Reads Commissi

Fire Prevention

Health Ecpartment

Project Planning

Building Department

Zoning Administration

Board of Education

Industrial

Development

Nicholas B. Cormodiri

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October 1981 - April 1982 reclassification cycle (Cycle II). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and commenting agencies' standards and policies, you are requested to review these comments, make your own judgement as to their accuracy and submit the necessary amendments to this office before November 30. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

Located on the east side of Keller Avenue south of Hillside Avenue in the 3rd Election District, the subject property is zoned R.C.5 and is improved with a detached dwelling.

In view of your proposal to reclassify this property to a D.R.1 zone, this hearing is requested. As indicated in conversation with Mr. Joe Larson, before a petition to reclassify an R.C. zone or part thereof as other than an R.C. zone may be accepted for filing by the Zoning Commissioner, it must be shown that public water and sewer will be available to the subject property within two years from the date the petition is submitted. This is stated in Section 1AOO.3A of the zoning regulations. Even though this does not appear to be the case, and after consulting Mr. Larson, it was decided

Item No. 7 - Cycle No. II Petitioner - Leonard Billian Reclassification Petition

to include the property in the first required public advertisement of the reclassification potitions. This would allow you time to esearch this matter more fully and then decide whether to continue processing or withdraw this petition.

If you have any questions or require additional explanation please feel free to contact me at 494-3391.

Very truly yours, NICHOLAS B. COMMODARI Zoning Plans Advisory Committee

NBC:bsc Enclosures

cc: Spellman, Larson & Associates, Inc. Jefferson Building Towson, Maryland 21204

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P. E. DIRECTOR

LAW OFFICES NOLAN, PLUMHOF & WILLIAMS.

CHARTERED

September 25, 1981

Mr. William T. Hackett, Chairman Board of Appeals

Court House Towson, Maryland 21204

Re: Item #7 Zoning Cycle II (Oct. 1981-Apr. 1982) Property Owner: Leonard Billian E/S Keller Ave. 134' S. along centerline of Hillside Ave.

Existing Coning: RC 5 Proposed Zoning: TR 1 Acres: 9 Distract: 3rd

Dear Mr. Hackett:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Keller Avenue, an existing public road, is proposed to be improved in the future on a 40-foot right-of-way, as indicated. (See also recorded plat "Rockcrest", E.H.K., Jr. 37, Folio 86).

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #7 Zoning Cycle II (Oct. 1981-Apr. 1982) Property Owner: Leonard Billian September 25, 1981

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are not available to serve this property, which is within the Baltimore County Metropolitan District and the Urban-Rural Demarcation Line. Baltimore County Water and Sewerage Plans W and S-16B, as amended, indicate "No Planned Service" in the area.

RAM: EAM: FWR: SS

cc: Jack Wimbley

S-SW Key Sheet 42 NW 16 & 17 Pos. Sheets NW 11 D & E Topo 63 Tax Map

NORMAN' F. GERBER DIRECTO:

Mr. William Hackett - Chairman Board of Appeals Room 219 — Court House Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

TOWSON, MARYLAND 21204

Dear Mr. Hackett:

Comments on Item #7, Zoning Cycle !!, — 1981, are as follows:

Property Owner: Leonard Billian Location: E/S Keller Averue 134' S along centerline of Hillside Avenue District: 3rd

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

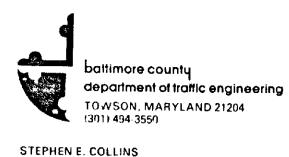
Any subdivision of the property will require compliance with Title 22 of the Baltimore County

Very truly yours,

October 29, 1981

John Zevembly John L. Wimbley Planner III Current Planning and Development

JLW:rh



October 8, 1981

Mr. William Hackett Chairman, Board of Appeals Office of Law, Courthouse Towson, Maryland 21204

> Cycle II - Meeting of September 14, 1981 Item No. 7 Property Owner: Leonard Billian Location: E/S Keller Avenue 134' S. along centerline of Hillside Avenue Edisting Zoning: R.C. 5 Proposed Zoning: D.R. 1 Acres: 9 District: 3rd.

Dear Mr. Hackett:

The existing R.C. 5 zoning for this fite can be expected to generate approviately 50 trips per day and the proposed D.R. 1 zoning can be exp. red to generate 110 trips per day.

Traffic Engineering Associate II

MSF/rlj

## BALTIMORE COUNTY FIRE DEPARTMENT TOWSON, MARYLAND 21204 825-7310

PAUL H. REINCKE

October 9, 1981

cc: William Hackett Mr. William Hammond Chairman of Board of Appeals Toning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

RB: Property Owner: Leonard Billian

Location: E/S Keller Avenue 134' S. along centerline of Hillside Avenue

Item No.: 7

Zoning Agenda: Meeting of September 14, 1981

## Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Salety Code", 1976 Edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Cat. January 10/13/4/ Approved: Lease M. Comments
Planging Group Pige Prevention Burday Planding Group

Special Inspection Division

JK /mb/cm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William Hackett- Chairman Board of Appeals September 22, 1981 Nick Commodari Charles E. Burnham

Cycle II - 1981 Item #7 Zoning Advisory Committee Meeting - 9-14-81

Property Owner: Leonard Billian
Location: E/S Keller Avenue 134 S. along centerline of Hillside Avenue Existing Zoning: R.C. 5 Proposed Zoning: D.P. 1

Acres: District:

> Any proposed construction on this site shall comply with the requirements of the Baltimore County Building Code in force at the time and other applicable codes, rules and regulations.

Permits shall be required for all improvements to the property and work shall not begin until such permits are secured.

> Marter E. Spanten Charles E. Burnham Plans Review Chief

CEB:rrj

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Date: 9/22/81

Mr. Walter Reiter Chairman, Board of Appeals Baltimore County Office Building 1111 West Chesapeake Avenue Towson, Maryland 21204

> Zoning Cycle #11 - 1981 Meeting of 9/14/81

RE: Item No: 7 Property Owner: Leonard Billian Location: E/S Keller Avenue 134' S. along centerline of Hillside Ave. Present Zoning: R.C. 5 Proposed Zoning: D.R. 1

School Situation

Acreage: 9

School

Enrollment

Over/Under Capacity

Comments: Since the rezoning would only mean an increase of 4 or 5 lots the effects would be minimal as far as the educational system

Student Yield With:

Existing

Elementary Junior High

Senior High

Department of Planning

494-3180

County Board of Appeals Room 219, Court House Towson, Maryland 21204 February 26, 1982

Leonard Billian 5610 N. Northumberland St. Pittsburgh, Penna. 15217

> Re: Item #7, Case #R-82-184 Cycle II, Leonard Billian

Dear Mr. Billians

Your case has been assigned for hearing before the Board during the normal cycle period for reclassification petitions. Written and public notice of the date of the hearing has either been given or is in the process of publication.

The Board has been informed that there are presently pending in the Circuit Court for Baltimore County three separate suits, all of which directly question the validity of the adoption of the 1980 comprehensive zoning map by the County Council of Baltimore County. The suits to which we refer are:

> Home Builders Assn. of Md., Inc., et al. v. Baltimore County, Md., et al - Circuit Court Equity \$107047

Isaac A. Jones v. Baltimore County, Md., et al -Circuit Court Equity #108029

Shopco Reisterstown Associates, et al v. Baltimore County, Md., et al - Circuit Court Equity #107318.

The Board, of course, is not involved in those suits and consequently will not be asked to express any opinion on the enactment question. However, we are concerned that the parties to the pending reclassification cases be made aware that there will probably be a judicial decision on the question sometime in the future, and if the Circuit Court should find that the maps were, in fact, improperly enacted, and that decision is affirmed by an appellate court, the various parties to reclassification cases might then be placed in the position of having expended time and money in the preparation and trial of their cases based on the comprehensive map which legally might not exist. The Board has, therefore, determined that it will afford each of the petitioners in the pending reclassification cases the opportunity to review the pending Circuit Court cases and make their individual determination as to whether they wish to proceed at this time to fully try their reclassification case or whether they would prefer not to take that risk and ask the Board for a continuance of their case without hearing until such time as there has been a definitive ruling by the courts on the question of the validity of the 1980 mcps.

BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 212 TOWSON, MARYLAND 21204 DONALD J. ROOP, M.D., M.P.H. DECUTY STATE & COUNTY HEALTH OFFICER

September 30, 1981

Mr. Walter Reiter, Chairman Board of Appeals Court House Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Item #7, Zoning Advisory Committee Meeting for Cycle II, are as Tollows:

> Property Owner: Leonard Billian Location: E/S Keller Avenue 134' S. along centerline of Hillside Avenue Existing Zoning: R.C. 5 Proposed Zoning: D.R. 1 Acres: 9 District: 3rd

Private water wells and sewage disposal systems are proposed. The existing dwelling located onsite is presently served by a drilled well and sewage disposal system.

All requirements of the Maryland State Department of Health and Baltimore County Department of Health pertaining to private water and sewerage systems must be complied with prior to approval of building applications and/or tentative subdivision plans.

The Zoning Plan, as submitted, does not include enough information to enable the Baltimore County Department of Health to make complete comments.

Very truly yours. Ian J. Forrest, Director

BUREAU OF ENVIRONMENTAL SERVICES

IJF/JRP/mgt

Page Two

n de

Since there must be some limit to the period of time within which a decision should be made and communicated to the Board, it has been decided that all requests for postponements made pursuant hereto must be delivered in writing to the Board on or before March 15, 1981.

The Board has attached one very important provision to its willingness to co-operate in the granting of postponements for the purpose outlined above, which is that it will not countenance the use of the reasons given above for a postnonement for other reasons and, therefore, if a case is postponed for the reason given above it must remain inactive until there is a definitive action from the courts. Therefore, parties are cautioned that if they do, in fact, seek a postponement because of the doubt surrounding the validity of the enactment of the 1980 comprehensive maps, they will be required to wait until there is a decision from the courts on the question before the Board will again assign their case no matter how long the case is suspended.

The purpose of this communication is to alert all parties of record involved of the Board's intention if a request is timely submitted.

Very truly yours,

WTH:e

BALTIMORE COUNTY ) OFFICE OF PLANNING & ZONING OFFICE OF PLANNING & ZONIN TOWSON, MARYLAND 21204

March 5, 1982

WILLIAM E. HAMMOND ZONING COMMISSIONER

Mr. Leonard Billian 5610 N. Nurthumberland St. Pittsburg, PA 15217

Petition for Reclassification E/a Keller Ave., 134' S of Hillside Ave. Case TR-82-184

Dear Mr. Billian:

This is to advise that \_\_\_\_\_\_\_ is due for the 2nd full page add of the cycle 2 billing. You have already been billed for the 1st full page add. A third bill for the individual advertising and posting of the above property will be forthcoming. All bills must be paid before an order is issued.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland, 21204, as soon as possible.

Zoning Commissioner

WEH:klr

 September 30, 1981

Mr. Walter Meiter, Chairman Board of Appeals Court House Towson, Maryland 21204

Pear Mr. Reiter:

Comments on Item #7, Zoning Advisory Committee Meeting for Cycle II, are as follows:

> Property Cwner: \* ecourd Billian Location: E/S Keller Avenue 134' S. along centerline of Hillside Avenue Existing Zoning: R.C. 5 Proposed Zoning: D.R. 1 Acres: 9 District: 3rd

Private water wells and sewage disposal systems are proposed. The existing dwelling located onsite is presently served by a drilled well and sevage disposal system.

All requirements of the Maryland State Department of Health and Baltimore County Department of Heal 's pertaining to private water and sewerage systems must be complied with prior to approval of building applications and/or tentative subdivision plans.

The Zoning Plan, as submitted, does not include enough information to enable the Baltimore County Department of Health to make complete comments.

Very truly yours.

March 23, 1982

Petition for Re-classification

Leonard Billian - Petitioner

This is to advise you that \_\_\_\_\_\_\_ is due for advertising and

Please make check payable to Baltimore County, Maryland, and remit to

posting of the above property. THIS IS THE FINAL BILL. Note: \$52.75 due for

Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204

2nd full page add which was billed March 5, 1982.

Case #R-82-184 Item #7 - cycle II

E/s Keller Ave., 134' S of Hillside Ave.

Very truly (yours,

Zoning Commissioner

IJF/JRP/mgt

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND

ZONING COMMISSIONER

Newton A. Williams, Esquire

204 W. Pennsylvania Avenue

Towson, Maryland 21204

Dear Mr. Williams:

before the hearing.

Leonard Billian

5610 N. Northumberland Street

Pittsburg, PA 15217

WEH: klr

Ian J. Forrest, Director BUREAU OF ENVIRONMENTAL SERVICES

ZONING: Petition for Re-classification

LOCATION:

East side of Keller Avenue, 134 feet South of Hillside Avenue

DATE & TIME:

CEB:r/j

Tuesday, March 30, 1982 at 10:00 A.M.

Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing:

> Present Zoning: R.C.5 Proposed Zoning: D.R.1

All that parcel of land in the Third District of Baltimore County

PETITION FOR RE-CLASSIFICATION

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Any proposed construction on this site shall comply with the requirements

Permits shall be required for all improvements to the property and work

of the Baltimore County Building Code in force at the time and other

Item #7 Zoning Advisory Committee Meeting - 9-14-81

September 22, 1981

Marks E. Sunten

Charles E. Burnham

Plans Review Chief

E/S Keller Avenue 13': S. along centerline of Hillside Avenue

William Hackett- Chairman

Property Owner: Leonard Billian

applicable codes, rules and regulations.

shall not begin until such permits are secured.

Board of Appeals

Charles E. Burnham

Existing Zoning: R.C. 5

Proposed Zoning: D.R. 1

Nick Commodari

Cycle II - 1981

Location:

Acres:

District:

3rd DISTRICT

PUBLIC HEARING:

Beiry the property of Leonard Billian as shown on plat plan filed with the Zoning Department..

Hearing Date: Tuesday, March 30, 1982 at 10:00 A.M. Public Hearing: Room 218, Courthouse, Towson, Maryland

> BY ORDER OF WILLIAM T. HACKETT, CHAIRMAN COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

January 18, 1982

GNOMMAH 3 MAILLIW ZONING COMMISSIONER

Mr. Leonard Billian 5610 North Northumberland Street Pittsburg, Pennsylvania 15217

Petition for Reclassification E/s Keller Ave., 134' S along centerline of Hillside Ave. Leonard Billian - Petitioner Cycle #2 - Item #7

Dear Mr. Billian:

Willimch

This is to advise you that \$96.89 is due for the first advertising of the above property. Two additional bills will be forwarded to you in the near future.

All bills must be paid before an order is issued.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

> WILLIAM E. HAMMOND Zoning Commissioner

00 SPELLMAN, LARSON & ASSOCIATES, INC.

SUITE 110 - JEFFERSON BUILDING

105 W. CHESAPEAKE AVENUE

TOWSON, MARYLAND 21204

BALTIMORE COUNTY, MARYLAND

ROBERT E. SPELLMAN, P.L.S. JOSEPH L. LARSON LOUIS J. PIASECKI, P. E. ALBERT REMY

823-3535 DESCRIPTION FOR REZONING, BILLIAN PROPERTY, KELLER AVENUE, THIRD DISTRICT,

Beginning for the same at a point on the East side of Keller Avenue said point of beginning being 134 feet Southerly measured along the center line of Keller Avenue from the center line of Hillside Avenue and southeasterly 20 feet and running thence North 87 Degrees 00 Minutes 00 Seconds East 752.40 Feet South 19 Degrees 49 Minutes 51 Seconds East 407.13 Feet South 4 Degrees 21 Minutes 12 Seconds West 34.34 Feet South 78 Degrees 57 Minutes 50 Seconds West 518.54 Feet South 87 Degrees 29 Minutes 16 Seconds West 353.80 Feet and North 04 Degrees 09 Minutes 13 Seconds West 451.70 Feet to the East side of Keller Avenue herein referred to and running thence and binding thereon Northeasterly by a curve to the right with a radius of 310 feet the distance of 5.95 feet and Northeasterly by a curve to the left with a radius of 300 feet the distance of 37.00 feet to the place of beginning.

Containing 9.00 acres of land more or less.

8/28/81



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN . LAND SURVEYING LAND PLANNING . SUBDIVISION PAYOUT . FEAS:BILITY STUDIES . ESTIMATING GRADING STUDIES . LOCATION SURVEYS . TECHNICAL CONSULTANT . 1

Job No. 77138 Billian Property

4

1

August 28, 1981 She of 2

The primary reasoning behind the reclassification proposal for this property relates directly to the existing land use surrounding the subject site and also the general location of the property. Due to the fact that the subject property is embraced by one acre properties and it is located in a pocket type area, the reclassification of this property to DR I would simply provide a consistency and continuity of land use for the properties fronting on the east side of Keller Avenue from Hillside Avenue south to the culdesac limit of Keller Avenue.

Therefore, as a basic premise for this reclassification our argument of neighborhood consistency and land use, I believe, is quite clear. Insofar as conforming and complying with other developmental processes, such as traffic, water and sewer availability, and planning concepts, these items have been researched and would pose no problem insofar as the development of the subject site as a DR 1 type project.

I trust that this brief provides the necessary basic reasoning for our reclassification, whereby a more detailed and comprehensive case will be provided at the zoning hearing.

SPELLMAN, LARSON & ASSOCIATES, INC.

ROBERT E. SPELLMAN, P.L.B. JOSEPH L. LARSON LOUIS J. PIASECKI, P. E.

Job No. 77138 Billian Property

August 28, 1981 Sheet 1 of 2

ZONING RECLASSIFICATION BRIEF Billian Property - Keller Ave

SUITE 110 - JEFFL RSON BUILDING

105 W. CHESAPEAKE AVENUE

TOWSON, MARYLAND 21204

The subject property is located in the Third Election District of Baltimore County in the Stevenson area enjoying frontage of 494' on Keller Avenue, a public road. The site consists of 9.0 acres of land and was previously zoned DR 1 on the Baltimore County Comprehensive Zoning Maps adopted in 1976.

The current Baltimore County Zoning Maps adopted in 1980 reclassified this property to RC5. The reclassification was apparently due to the unavailability of public water and sewer and the projected time frame as to when public water and sewer would be made available to this site.

It is the intent of this application for reclassification to have the property rezoned to its previous zone of DR 1. The argument in favor of this reclassification relates directly to the adjacent neighborhood and land use which is developed in 1.0± acre size tracts.

The site is situated north of the existing development of Rockcrest which is a DR 1 type development which is recorded among the land records of Baltimore County in Plat Book 37 folio 86 and south of several small 1.0<sup>±</sup> acre parcels fronting on Hillside Avenue.

> RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN . LAND SURVEYING LAND PLANNING . SUBDIVISION LAYOUT . FEASIBILITY STUDIES . ESTIMATING GRADING STUDIES . LOCATION SURVEYS . TECHNICAL CONSULTATION

8631 keller Ave. Stevenson, Md. 21153 March 23, 1982

Board of Zoning Appeals Old Courthouse Towson, Ed. 21204

Gentlemen:

With regard to proposed zoning change R-82-184: - Leonard Bullian I would like to record my veherent objection. The present rural zoning (R.C. 5) is and always his been the appropriate zoning for the area. I moved here 12 years ago precisely because it was a quiet, rural area, and I was assured then that the zoning was not likely to change. There has been no change in the neighborhood that would justify the proposed zoning reclassification. A few years ago some new couses were built further up

the street on one-acre lots. But those houses are tucked away at the end of the street, for the most part, not bordering on the property now in question. So it would be absolutely wrong to say that those houses constitute the kind of change required to justify any further zoning exceptions in the neighborhood. Furthermore, since those new houses were built we, and many of the other older houses in the area, have experienced serious water problems due to the presence of so many more homes drawing on the same water supply. Our spring which was the sole water supply here for more than a hundred years dried up as the water table dropped. We dug a new, deep well, but it too is showing signs of going dry. During the summer it was pumping up yellow mud. The lously, any further dense development will further exacerbate

The stream that runs along Keller avenue has also been hurt XXXXXX by sedmintation and increased run-off, and the abundance of new septic systems has created a smell of sewage on still nights. More houses will also exacerbate these problems.

Finally, the property in question is on an extremely steep slope everlooking an abandoned quarry and several existing houses. like ours, which sit directly below the proposed development. Removal of trees and construction above will wreak havoc on the homeowners below, through erosion and later, through septic run-off. Any housing at the edge of the abandoned quarry would also be extremely Cangerous because of the sudden, cliff-like drop. There was no good reason to permit the exception up the street a few years ago; to allow this one now would be adding insult to injury, and would be a clear violation of the intent of the original zoning.

I hope you will deny this request for a zoning change.

this problem.

Sincerely yours.

katt Seiden

County Board of Appeals Room 219, Court House Towson, Maryland 21204

March 31, 1982

Newton A. Williams, Esq. 204 W. Pennsylvania Ave. Towson, MJ. 21204

> Re: Case No. R-82-184 Leonard Billian

Dear Mr. Williams:

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Encl,

cc: Leonard Billian Mr. W. E. Hammond Mr. J. E. Dyer Mr. N. E. Gerber Mr. J. G. Hoswell Board of Education J. W. Hessian Esp.

Loonard Billian 5010 N. Northumberland St. Pittisburgh, PA 15217

March 2, 1982

NOTICE OF HEARING

Petition for Reclassification E/s Kaller Ave., 134' S of Hillside Ave. Case #R-82-184

when the state of the state of

TIME: 10:00 A, M. DATE- Tuesday, March 30, 1982 PLACE: Room 2. Courthouse, Towson, Maryland

Spellman, Larson & Assoc. Inc. The Jefferson Bldg. - Suite 110 Towsor, Maryland 21204

William T. Hackett, Chairman County Board of Appeals

CENTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY P 82 - 184

District. 3 AV	Date of Posting 3-11-52
Posted for: Pechnification Petitioner: Terrar Billian	<b></b>
Location of property: E/S Kelles are	me 134'5 of Helliche agence
	on oppose 150' South of Hills Lane
Remarks:	2 16 - 11 -
Posted by Signature Number of Signs:	Date of return: 3-15-12

PETITION
FOR RE-CLASSIFICATION
Sed DISTRICT ZONING: Petition for Re-classifica-LOCATION: East side of Keller Avenue, 134 feet South of Hillside Avenue
DATE & TIME: Tuesday, March 30,
1982 at 10:00 A.M.
PUBLIC HEARING: Room 218,
Courthouse, Towson, Maryland PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing: Present Zoning: R.C. 5

Proposed Zoning: D.R. 1

Ali that parcel of land in the Third District of Reltimore County.

Beginning for the same at a point on the East side of Keller Avenue said point of beginning being 134 feet Southerly Beassured riong the center line of Keller Avenue and southmasterly. 30 feet and running thence North 37 Degrees 00 Minutes 00 Seconds Past 752.40 Feet South 18 Legrees 49 Minutes 51 Seconds East 407.13 Feet South 4 Degrees 21 Minutes 12 Seconds West 34.34 Feet South 75 Degrees 57 Min 28 50 Seconds West 512.54 Feet Sout, 87 Degrees 28 Minutes 16 Seconds West 353.80 Feet and North 04 Degrees 09 Minutes 18 Seconds West 351.70 Feet to the East side of Keller Avenue herein referred to and running thence and binding thereon Northeasterly by a curve to the right with a radius of 316 feet the distance of 5.95 feet and Northeasterly by a curve to the right with a radius of 300 feet the distance of 37.00 feet to the place of beginning. Containing 9.00 ares of land more or less.

Belng the property of Leonard Billian as shown on plat plan filed with the Zoning Department.

Hearing Date: Tuesday, March 30, 1953 at 16:00 A M.

Public Hearing: Room 218, Courthouse, Towson, Maryland

By Order Of William T. HACKETT, Chairman County Board of Appeals of Baltimore County

Chairman Coun'y Board of Appeals

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed one time successive weeks before the 30th day of \_\_\_\_\_ Mqrch \_\_\_\_, 19.82\_\_, the FM publication appearing on the 11th day of \_\_\_\_\_March

THE JEFFERSONIAN.

Cost of Advertisement, \$\_\_\_\_\_

L 040 1 F F 7 7 8 8 NOLAR, PLE'MHOPP & WILLIAMS

3 # 4 # T D # # 3 4 MEST PRESENTANT A A. SK. & Trusca Mangania 2 2 34

"B. C Francisco 045 70 CV MA . NO AT - AFES \* 6 9-4 43 6 Tradition management design

March 23, 1982

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I have reviewed your letter of March 1885, and I think that it sustained the ratter will, and law forward to hearing from your explicate regarding the substitution.

with lest regards to all, I am -

Simerely,

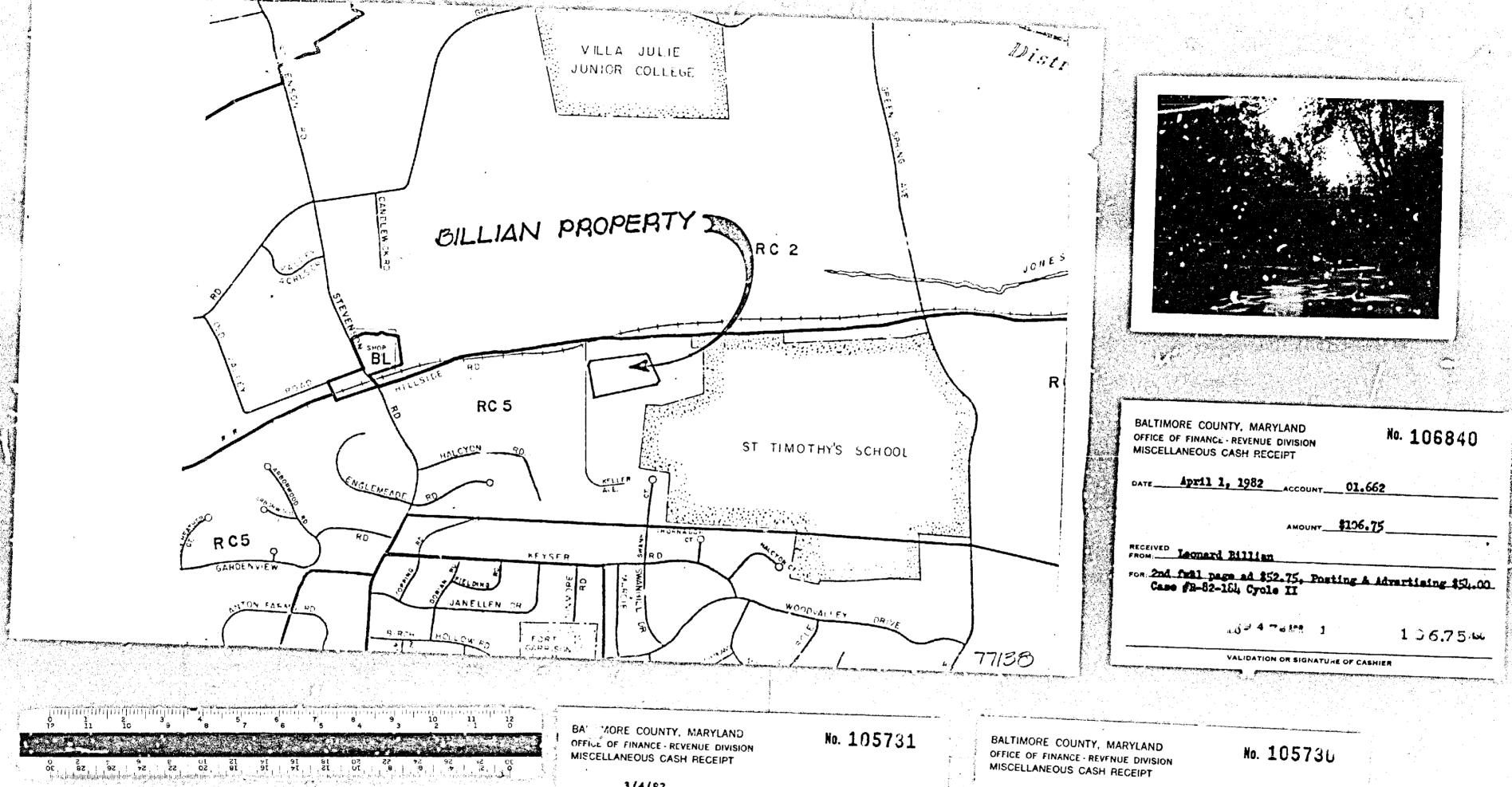
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CCI Ms. Karen Alexant Turning Corrussioner's Office

it. Riert igelieus Spellman, Larmon & Associates, Inc.

P.S.: Dear Mr. Millian: Please make your eneck savable in the amount of \$106.75 representing \$54.00 for the ad plus \$52.75 for the second ad and advertising and posting costs. Due to this information we received, it is not norecoury for you to contact Laren Riegal as statež above.

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3/4/82 01-662 3/2/82 ACCOUNT 01-662 \$50.00 AMOUNT \$96.89 RECEIVED Spellman, Larson & Assoc. RECEIVED Lecnard Billian filing fee for case fR-82-184 (Billion) FOR 1st fell page add of Case FR-82-184 35000 mon 4 5 U.O.C. ROL 301 my 3 95,22 3 VALIDATION OR SIGNATURE OF CASHIER VALIDATION OR SIGNATURE OF CASHIER

